

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Shajuanda Martin,

Plaintiff

v.

Kilolo Kijakazi,<sup>1</sup> Commissioner of Social  
 Security,

Defendant

Case No.: 2:21-cv-00461-JAD-CLB

**Order Granting Motion to Dismiss,  
 Adopting Magistrate Judge’s Report &  
 Recommendation, and Closing Case**

[ECF Nos. 13, 17, 22, 23, 24, 25]

Pro se plaintiff Shajuanda Martin brings this action to challenge the Social Security Administration’s (SSA) decision finding that she is no longer disabled and denying her disability benefits.<sup>2</sup> The SSA Commissioner moves to dismiss Martin’s complaint, contending that it is time-barred because a social-security claimant has only 60 days from receiving notice of the SSA’s decision to appeal in federal court,<sup>3</sup> and Martin filed this suit months after her 60-day deadline passed.<sup>4</sup> Although Martin filed an opposition to the motion to dismiss, she offers no argument or evidence that she timely filed.<sup>5</sup> Having evaluated the briefing, the magistrate judge recommends that I dismiss this case because the statute of limitations bars Martin’s claims, “there is no evidence that Martin requested an extension,” and she has not “shown any grounds

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<sup>1</sup> Kilolo Kijakazi was sworn in as Commissioner of the Social Security Administration on July 9, 2021. Under Federal Rule of Civil Procedure 25(d), I direct the Clerk of Court to substitute Kilolo Kijakazi for Andrew Saul as the defendant in this case.

<sup>2</sup> ECF No. 4.

<sup>3</sup> ECF No. 13 at 2–6 (citing 42 U.S.C. § 405(g)).

<sup>4</sup> ECF No. 13-1 at 3–4.

<sup>5</sup> ECF No. 15.

1 for equitable tolling.”<sup>6</sup> Martin’s objection to that recommendation contains no arguments to the  
 2 contrary and nothing that would justify rejecting the recommendation or denying the motion to  
 3 dismiss. Indeed, the record reflects that she filed this action more than seven months after notice  
 4 was issued, missing the 60-day deadline without excuse or justification. Having reviewed the  
 5 magistrate judge’s R&R, I find good cause to adopt it, and I do.

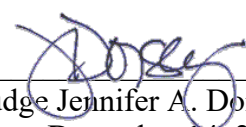
6 Martin also filed motions to extend time, issue summons, and add representatives.<sup>7</sup>  
 7 Because I am dismissing this case, I deny those motions as moot.

8 IT IS THEREFORE ORDERED that the Commissioner’s motion to dismiss **[ECF No.**  
 9 **13] is GRANTED.**

10 IT IS FURTHER ORDERED that the magistrate judge’s report and recommendation  
 11 **[ECF No. 17] is ADOPTED IN FULL** and that the plaintiff’s amended objection to the R&R  
 12 **[ECF No. 23] is OVERRULED.**

13 IT IS FURTHER ORDERED that the plaintiff’s motions to extend filing time **[ECF No.**  
 14 **22], issue summons [ECF No. 24], and add representatives [ECF No. 25] are DENIED as**  
 15 **moot.**

16 IT IS FURTHER ORDERED that the Clerk of Court is directed to **substitute Kilolo**  
 17 **Kijakazi for Andrew Saul as the defendant in this case<sup>8</sup> and to CLOSE THIS CASE.**

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 U.S. District Judge Jennifer A. Dorsey  
 December 14, 2021  
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22 <sup>6</sup> ECF No. 17 at 3.

23 <sup>7</sup> ECF No. 22; ECF No. 24; ECF No. 25.

<sup>8</sup> See F.R.C.P. 25(d).